

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject Application. This response accompanies an RCE for the present case.

Applicant notes that between the dates of about August 15-31, 2005, Applicant and the Examiner informally discussed the present case via the telephone and voicemail. The present rejection over the art of record was discussed for the pending claims. An amendment was proposed and Applicant sent a fax to the examiner containing a proposed claim amendment. The fax is now part of the application record.

Rejection of the Claims

In the Office Action mailed July 25th, 2005, claims 13, 29, 45 and 49-53 were rejected for double patenting. Claims 13, 29, 45 and 49-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable.

Claims 13, 29, and 45 are amended. Claim 50-53 are cancelled without prejudice. Claims 13, 29, 45 and 49 remain in the Application for consideration.

CLAIM REJECTIONS – DOUBLE PATENTING

Claims 13, 29, 45 and 49-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US Patent No. 6,707, 852.

Applicant acknowledges the double patenting rejection and is willing to file a terminal disclaimer at such a time as the double patenting rejection remains as the sole claim rejection for otherwise allowable claims.

CLAIM REJECTIONS §102

Claims 13 and 50 are rejected under §102 as being anticipated by US Patent No. 5,751,378 to Chen et al (hereinafter, "Chen").

CLAIM REJECTIONS §103

Claims 29 and 45 are rejected under §103 as being unpatentable over US Patent No. 5,751,378 to Chen et al (hereinafter, "Chen") in view of US Patent No. 5,815 217 to Kumazawa et al (hereinafter, "Kumazawa").

Claims 13 and 50 are rejected under §103 as being unpatentable over US Patent No. 5,729,295 to Okada et al (hereinafter, "Okada") in view of US Patent No. 5,751,378 to Chen et al (hereinafter, "Chen").

Claims 29, 45, 49 and 51-53 are rejected under §103 as being unpatentable over US Patent No. 5,729,295 to Okada et al (hereinafter, "Okada") in view of US Patent No. 5,751,378 to Chen et al (hereinafter, "Chen"), and further in view of US Patent No. 5,815 217 to Kumazawa et al (hereinafter, "Kumazawa").

Claim 13 is amended and is directed to a method for encoding a motion video signal, and recites (amendments in *bold italics*):

- 1 • comparing first and second frames of the motion video signal to one
2 another to determine *a current absolute pixel difference* between the
3 first and second frames;
- 4 • determining, based at least in part on *comparing the current*
5 *absolute pixel difference to a filtered previous absolute pixel*
6 *difference*, whether the second frame represents a scene change in a
7 motion video image represented by the motion video image;
- 8 • encoding the second frame as an independent frame upon a condition
9 in which the second frame represents the scene change in the motion
10 video image; and
- 11 • encoding the second frame as a motion-compensated frame upon a
12 condition in which the second frame does not represent the scene
13 change in the motion video image.

16 Claim 13 is amended and includes limitations which are not taught or
17 suggested by the art of record. Specifically, the act of determining, based at least
18 in part on comparing the current absolute pixel difference to a filtered previous
19 absolute pixel difference, whether the second frame represents a scene change in a
20 motion video image represented by the motion video image is not taught or
21 suggested by the art or record. Applicant respectfully submits that amended claim
22 13 is allowable over the art of record. As such, Applicant respectfully requests
23 that the §103 rejection be withdrawn and that claim 13 be allowed.
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1 **Claim 49** depends from claim 13 and is allowable over the art of record at
2 least for the reasons described above in relation to claim 13.

3 **Claims 29 and 45** are amended to include limitations similar to those
4 described above in relation to claim 13 and are similarly allowable.
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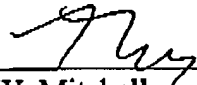
Conclusion

Applicant submits that the above claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present Application. Should any issue remain that prevents immediate issuance of the Application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

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